UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,985	12/31/2003	Darren A. Shakib	MS306414.01/MSFTP512US	9963

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EXAMINER
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ART UNIT	PAPER NUMBER
2167	

NOTIFICATION DATE	DELIVERY MODE
01/14/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	10/749,985	SHAKIB ET AL.
	Examiner	Art Unit	
	Susan F. Rayyan	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 July 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) *1-10,12-18 and 22-29* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,12-18 and 22-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   An interview was conducted on December 4, 2007 with Mr. Larry Katsoff,

Registration Number 54, 209 , where the action dated September 19, 2007 was

discussed with regard to the 35 USC 103(a) rejection of the claims over prior art

Kim(US 2002/0129014) and Kim (US 2003/0208482). · Applicant indicated Kim

(482) is a direct divisional of Kim (014) and therefore a 103 rejection would be

·improper. Examiner agrees with Applicant. Examiner indicated that although Kim

(014) was cited over claims in the 35 USC 102(b) rejection of the non-final office

action (dated June 28, 2006) and over come in a non-final office action (dated

April 6, 2007) upon further review and consideration of Kim (014) a non-final

office action follows with the claims rejected under 35 USC 102 (b) as being

anticipated by Kim (014). See rejection below.

2.   Claims 1-10, 12-18, 22-29 are pending.

3.   Regarding claims 22-25, the claims are directed to a computer readable

media storing computer executable components of a crawler. Examiner has

interpreted computer readable medium as claimed to exclude transmission

media, signals, and forms of energy such that the claims fully falls within the

statutory class of invention.

Claim Rejections - 35 USC § 112

4.   **The following is a quotation of the second paragraph of 35 U.S.C.**

112:

> **The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.**

Claim 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 16 recite "or a combination there of ". This is indefinite as what comprises the combination.

Claim Rejections - 35 USC § 101

5.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the claimed invention is directed to non-statutory subject matter.

Claims 1-14, 26-29 are rejected under 35 USC 101 because the claims are directed to software per se and functional descriptive material. The computer system is not described in the specification as consisting of only hardware.

Claim 1 is directed to a page index system comprising a page data store ....and a crawler component. Claim 8 is directed to a crawler comprising an input component ..., a parser component ..., a retrieval component and an output component. Claim 26 is directed to a page index system comprising means for incrementally accumulating the reference information..., means for storing ..., means for receiving ..., means for retrieving ..., and means for providing an out

put. The claims are directed to software per se. The claims not contain

hardware such as a processor.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

Claims 1-10, 12-18, 22-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application
Publication Number 2002/0129014 issued to Brian S. Kim ("Kim") and US Patent Application Number 2003/0208482
issued to Brian S. Kim (Kim-482).

As per claim 1 Kim teaches a page index system (see paragraph 22, a search

engine for collecting, storing, and indexing web pages) **comprising:**

a page data store (figure 1, ref:24 (anchor text and link database) **that stores**

reference information associated with a page (keywords) , the reference

information is obtained from at least one other page and is accumulated

incrementally from each other page as each other page is crawled

(paragraph 84 as indexed database stores a set of records each of which

includes the URL identification number, anchor text of the inbound link, text

related to the anchor text in the URL of the page), **the reference information**

comprising descriptive information (paragraph 25, keywords) **that is adjacent**

to anchor text associated with a referencing uniform resource locator that

references the page (paragraph 25 and Figure 1:Reference Number 24 (anchor

text and link database) , as indexed database (28) stores keywords, anchor text

and URL identification and paragraph 84, as indexed database stores a set of

records each of which includes the URL identification number, anchor text of the

inbound link, text related to the anchor text in the URL of the page);

a crawler component (fig.1, ref: 12, crawler) that receives a page (figure 1,

ref:13(web)   and paragraph 23, lines 2-3, as crawler retrieves pages from the

web) retrieves the reference information (keywords or anchor text)

associated with the page from the page data store, and provides the page

and associated reference information to at least an index building

component (paragraph 23, lines 1-3, paragraph 25 and paragraph 26, Figure 1,

Reference Numbers 14 (web page database) ,24 (anchor text and link database

),26 (indexer) as indexer generates an index based on anchor text and parsed

keywords from web pages in the web page database).

As per claim 2, same as claim arguments above and Kim teaches:

 a web crawler employing the system of claim 1(paragraphs 23 (crawler (12)).

As per claim 3, same as claim arguments above and Kim teaches:

the reference information further comprising anchor text (paragraph 25,

lines 5-7, anchor text).

As per claim 4, same as claim arguments above and Kim teaches:

the reference information comprising at least one of a sentence fragment,

a sentence, or a paragraph or a combination there of, adjacent to the

anchor text (paragraph 25, keywords and paragraph 84, text related to the

anchor text in the URL of the page).

As per claim 5, same as claim arguments above and Kim teaches:

an Internet search engine employing the page and the reference

information provided by the system of claim 1 (paragraphs 25, search engine

and keywords, anchor text).

As per claim 6, same as claim arguments above and Kim teaches:

the page data store storing a uniform resource locator that identifies the

page, the uniform resource locator further being employed to identify the

reference information associated with a particular page (paragraph25, lines

2-5, figure 1: ref: 24(link and anchor text database).

As per claim 7, is rejected based on the same rationale as claim 1.

As per claim 8 Kim teaches a crawler (see paragraph 22, a search engine,

crawler for collecting, storing, and indexing web pages)) comprising.

an input component that receives one or more pages (paragraph 22,

collecting, storing, and indexing web pages);

a parser component that parses the one or more pages for another page

referenced on the one or more pages (paragraph 25 , parsing keywords,

extracting links and anchor text, anchor text and link database and index), **and**

accumulatively stores the reference information associated with the

another page in the page data store , the reference information comprising

descriptive information that is in the proximity to the anchor text

associated with the referencing uniform resource locator that references

the another page (paragraph 84 as indexed database stores a set of records

each of which includes the URL identification number, anchor text of the inbound

link, text related to the anchor text in the URL of the page);

a retrieval component that receives the another page and retrieves the

reference information associated with the another page from the page data

store (paragraph 84, as indexed database stores a set of records each of which

includes the URL identification number, anchor text of the inbound link, text

related to the anchor text in the URL of the page);

an output component that provides an output comprising the page merged

with the reference information associated with the page (fig.4, ref.46, merger

module).

As per claim 9, same as claim arguments above and Kim teaches:

a page indexing system comprising the crawler of claim 8 (figure 1, ref: 12

(crawler) paragraphs 23, search engine, crawler, paragraph 25 (indexing).

As per claim 10, same as claim arguments above and Kim teaches:

further comprising the page data store (figure 1: Reference Number 24,

anchor and link database).

As per claim 12, same as claim arguments above and Kim teaches:

the page data store storing a uniform resource locator that identifies a

particular page, the uniform resource locator further employed to identify

the reference information associated with a particular page (paragraph25,

lines 2-5, anchor an link database).

As per claim 13, same as claim arguments above and Kim teaches:

the reference information further comprising anchor text (paragraph 25,

lines 5-7, anchor text).

As per claim 14, same as claim arguments above and Kim teaches:

the reference information comprising at least one of a sentence fragment, a

sentence, or a paragraph, or a combination there of, in proximity to the

anchor text at paragraph 84 as includes the URL identification number, anchor

text of the inbound link, text related to the anchor text in the URL of the page.

As per claim 15 Kim teaches a method facilitating page indexing (see paragraph

22, a search engine for collecting, storing, and indexing web pages) comprising:

retrieving reference information associated with the page from at least one

other page (paragraph 25 keywords) the reference information comprising

descriptive information that is in proximity to anchor text associated with

the referencing uniform resource locater that references the page

(paragraph 84 as indexed database stores a set of records each of which

includes the URL identification number, anchor text of the inbound link, text

related to the anchor text in the URL of the page);

incrementally accumulating the reference information from each other page

as each other page is crawled (paragraph 84 as indexed database stores a set

of records each of which includes the URL identification number, anchor text of

the inbound link, text related to the anchor text in the URL of the page);

merging the page with the reference information and providing an output

comprising the page merged with the reference information associated

with the page to at least an index building system (paragraph 25, indexer and

fig.1, ref. 26 (indexer) and 28 (indexed database).

As per claim 16, same as claim arguments above and Kim teaches:

at least one of the following:

receiving a request for retrieving the page, retrieving the page, storing

reference information associated with a uniform resource locator on the

page (paragraph 25, Figure 1: Reference Number 24 (link and anchor text

database).

As per claim 17, same as claim arguments above and Kim teaches:

retrieval of the reference information associated with the page being based,

at least in part, upon a uniform resource locator identifying the page

(paragraph 25, lines 2-5 and link and anchor database).

Claim 18 is rejected based on the same rationale as claim 15.

As per claim 22 Kim teaches one or more computer readable media storing

computer executable components of a crawler (see paragraph 22, a search

engine, crawler for collecting, storing, and indexing web pages) comprising:

an input component that receives one or more pages (paragraph 22,

collecting, storing, and indexing web pages);

a parser component that parses the one or more pages for another page

referenced on the one or more pages (paragraph 25 , parsing keywords,

extracting links and anchor text, anchor text and link database and index),

incrementally accumulative reference information associated with the

another page ....stores...in the page data store , the reference information

comprising descriptive information that is in the proximity to the anchor

text associated with the referencing uniform resource locator that

references the another page (paragraph 84 as indexed database stores a set

of records each of which includes the URL identification number, anchor text of

the inbound link, text related to the anchor text in the URL of the page)

a retrieval component that receives the another page and retrieves the

reference information associated with the another page from the page data

store (paragraph 84, as indexed database stores a set of records each of which

includes the URL identification number, anchor text of the inbound link, text

related to the anchor text in the URL of the page);

an output component that provides an output comprising the page

merged with the reference information associated with the page (paragraph

25, indexer and fig.1, ref. 26 (indexer) and 28 (indexed database).

As per claim 23, same as claim arguments above and Kim teaches:

the page data store storing a uniform resource locator that identifies a

page, the uniform resource locator further being employed to identify the

reference information associated with the another page (paragraph25, lines

2-5, figure 1: ref: 24(link and anchor text database).

As per claim 24, same as claim arguments above and Kim teaches:

reference information comprising anchor text (paragraph 25, lines 5-7,

anchor text).

As per claim 25, same as claim arguments above and Kim teaches:

reference information comprising at least one of a sentence fragment, a

sentence, or paragraph or a combination thereof, in proximity to the anchor

text (paragraph 25, keywords and paragraph 84, text related to the anchor text in

the URL of the page).

As per claim 26 Kim teaches:

means for retrieving reference information associated with the page from at

least one other page (paragraph 25 keywords);

means for incrementally accumulating the reference information from each

other page as each other page is crawled (paragraph 84 as indexed database

stores a set of records each of which includes the URL identification number,

anchor text of the inbound link, text related to the anchor text in the URL of the

page);

means for storing the reference information ,the reference information

comprising descriptive information (paragraph 25, keywords) **that is**

adjacent to anchor text associated with a referencing uniform resource

locator that references the page (paragraph 25 and Figure 1:Reference

Number 24 (anchor text and link database) , as indexed database (28) stores

keywords, anchor text and URL identification and paragraph 84, as indexed

database stores a set of records each of which includes the URL identification

number, anchor text of the inbound link, text related to the anchor text in the URL

of the page);

means for receiving a page (paragraph 22, collecting webpages);

means for retrieving reference information associated with the page from

means for storing reference information (paragraph 25 (anchor text, links, and

keywords) ;

means for providing an output, to at least an index building system, the

output comprising the page merged with the reference information

associated with the (paragraph 25, indexer and fig.1, ref. 26 (indexer) and 28

(indexed database).

As per claim 27, same as claim arguments above and Kim teaches:

means for storing the reference information further storing a uniform

resource locator identifying a page, the uniform resource locator further

being employed to identify the reference information associated with a

particular page (paragraph25, lines 2-5, figure 1: ref: 24(link and anchor text

database).

As per claim 28, same as claim arguments above and Kim teaches:

the reference information comprising anchor text (paragraph 25, lines 5-7,

anchor text).

As per claim 29, same as claim arguments above and Kim teaches:

the reference information comprising at least one of a sentence fragment, a

sentence or paragraph or combination there of in proximity to the anchor

text (at paragraph 20, as anchor text that appear on links pointing to the page, or

even text surrounding the anchor text and assumed to be reference in the

pointed to page, paragraph 25, keywords and paragraph 84, text related to the

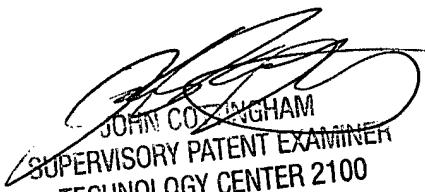anchor text in the URL of the page).

Contact Information

7.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Susan F. Rayyan whose telephone number is

571-272-1675. The examiner can normally be reached on M-F, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, John Cottingham can be reached on 571-272-7079. The

fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

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direct.uspto.gov. Should you have questions on access to the Private PAIR

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free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

Susan Rayyan
December 28, 2007

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